

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES L. WILKERSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:15-CV-435-TAV-CCS
)	
JACK F. BRAKEBILL, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court are a Motion to Raise Counter-Claims and Third-Party Claims [Doc. 28] and a Revised Motion to Raise Counter-Claims and Third-Party Claims [Doc. 32]. Both of these motions were filed by Jack F. Brakebill and Donna J. Brakebill. In these motions, the movants ask the Court to grant them leave to raise counter-claims and third-party claims by adopting the Counter-Complaint and Third-Party Complaint [Doc. 27], which was filed by The Jack F. Brakebill and Donna J. Brakebill Irrevocable Living Trust and Dale J. Montpelier. Plaintiffs have responded in opposition to these motions. [Doc. 55, 59].

The motions before the Court are motions to amend or modify pleadings in that the movants seek to modify their pleadings by adopting the pleadings of another party. Local Rule 15.1 governs the amendment of pleadings. It states, “Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, reproduce the entire pleading as amended and may not incorporate any prior pleading by reference.” E.D.

Tenn. L.R. 15.1. Further, it states, “A failure to comply with this rule may be grounds for denial of the motion.” Id.

As Local Rule 15.1 demonstrates, the practice of adopting or incorporating filings or pleadings – rather than actually stating claims, defense, or positions in one’s own filing – is highly disfavored in this District. The practice imposes an incredible burden on the Court and opposing parties by producing pleadings and filings that are tantamount to a game of chutes and ladders. At the same time, the practice of adopting or incorporating filings or pleadings inappropriately relieves the filer of their burden to hone and craft their allegations and requests for relief to fit their particular knowledge and litigation goals, see Fed. R. Civ. P. 8, 11. In previous litigation, Brakebill v. Moncier, No. 3:14-CV-105, the undersigned advised the majority of the parties that are now before the Court that adoption of pleadings would not be endorsed. Similarly, it will not be endorsed in this litigation, and therefore, the instant motions to adopt will be denied.

Accordingly and pursuant to E.D. Tenn. L.R. 15.1, the Motion to Raise Counter-Claims and Third-Party Claims [**Doc. 28**] and Revised Motion to Raise Counter-Claims and Third-Party Claims [**Doc. 32**] are **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge